

36.11.427 FISHERIES (1) The department shall minimize impacts to fish populations and habitat by implementing the watershed, SMZ, and WMZ rules contained in ARM 36.11.422 through 36.11.426.

(2) The department shall review forest management activities proposed adjacent to streams, lakes, or other bodies of water supporting bull trout or other fish and aquatic species listed as threatened or endangered under the Endangered Species Act, 16 U.S.C. Sections 1531 through 1544, pursuant to ARM 36.11.404 through 36.11.428.

(a) The department shall make reasonable efforts, in its sole discretion, to cooperate in the implementation of conservation strategies developed by the state of Montana and United States -fish and wildlife service (USFWS) for the restoration and recovery of bull trout and other listed fish species.

(i) The department shall design forest management activities to protect bull trout habitat by implementing conservation strategies pursuant to The Restoration Plan for Bull Trout in the Clark Fork River Basin and Kootenai River Basin, Montana (June 2000).

(3) As designated by the department, pursuant to ARM 36.11.436 the department shall:

(a) design forest management activities to protect and maintain:

- (i) westslope cutthroat trout;
- (ii) yellowstone cutthroat trout;
- (iii) arctic grayling; and
- (iv) all other sensitive fish and aquatic species.

(b) manage habitat supporting fish and aquatic species designated by the department as sensitive in a manner that complies with other rules concerning sensitive species.

(c) make reasonable efforts to cooperate in the implementation of state conservation strategies for the protection of:

- (i) westslope cutthroat trout;
- (ii) yellowstone cutthroat trout;
- (iii) arctic grayling; and
- (iv) other fish species designated as sensitive by the department, as is practicable.

(4) When installing new stream crossing structures on fish-bearing streams, the department shall provide for fish passage as specified in 83-5-501, MCA, the Stream Protection Act (124 permits). (History: 77-1-202, 77-1-209, 77-5-201, 77-5-204, MCA; IMP, 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA; NEW, 2003 MAR p. 397, Eff. 3/14/03.)